

By: Huberty

H.B. No. 402

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the low-income vehicle repair assistance, retrofit, and
3 accelerated vehicle retirement program and local initiative air
4 quality projects.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 403.071(b), Government Code, is amended
7 to read as follows:

8 (b) A claim may not be paid from an appropriation unless the
9 claim is presented to the comptroller for payment not later than two
10 years after the end of the fiscal year for which the appropriation
11 was made. However, a claim may be presented not later than four
12 years after the end of the fiscal year for which the appropriation
13 from which the claim is to be paid was made if the appropriation
14 relates to:

15 (1) new construction contracts;

16 (2) funding for a local initiative project described
17 by Section 382.220 or 382.221, Health and Safety Code, that
18 involves construction in a county described by Section 382.221,
19 Health and Safety Code;

20 (3) [~~to~~] grants awarded under Chapter 391, Health
21 and Safety Code;

22 (4) [~~or to~~] repair and remodeling projects that
23 exceed the amount of \$20,000, including furniture and other
24 equipment, architects' and engineering fees; or

1 (5) ~~[, and]~~ other costs related to the contracts, ~~[or]~~
2 projects, or grants.

3 SECTION 2. Section 382.202(g), Health and Safety Code, is
4 amended to read as follows:

5 (g) The commission shall:

6 (1) use part of the fee collected under Subsection (e)
7 to fund low-income vehicle repair assistance, retrofit, and
8 accelerated vehicle retirement programs created under Section
9 382.209; and

10 (2) to the extent practicable, distribute available
11 funding created under Subsection (e) among ~~[to]~~ participating
12 counties:

13 (A) in reasonable proportion to the amount of
14 fees collected under Subsection (e) in those counties or in the
15 regions in which those counties are located; and

16 (B) so that a county with a population of at least
17 four million receives 90 percent of the revenue derived from fees
18 collected in the county.

19 SECTION 3. Section 382.209, Health and Safety Code, is
20 amended by adding Subsections (k), (l), and (m) to read as follows:

21 (k) The commissioners court of a participating county may
22 adopt a resolution to end the low-income vehicle repair assistance,
23 retrofit, and accelerated vehicle retirement program in the county.
24 The commissioners court shall submit the resolution to the
25 commission and to the county tax assessor-collector. The
26 resolution must include a date on which a fee may not be imposed
27 under Section 382.202 or 382.302 for the purposes of the county's

1 low-income vehicle repair assistance, retrofit, and accelerated
2 vehicle retirement program on vehicles being inspected or
3 registered in the county. The date must be:

4 (1) the first day of a month; and

5 (2) at least 30 days after the date the resolution is
6 submitted to the commission.

7 (1) On receipt of a resolution under Subsection (k), the
8 commission shall notify, in writing, the Texas Department of Motor
9 Vehicles, the Department of Public Safety, and the Legislative
10 Budget Board that a fee may not be imposed under Section 382.202 or
11 382.302 for the purposes of the county's low-income vehicle repair
12 assistance, retrofit, and accelerated vehicle retirement program
13 on vehicles being inspected or registered in the county after the
14 date established under Subsection (k).

15 (m) To the extent practicable, the commission shall
16 distribute to the county money collected in the county before the
17 date established under Subsection (k) from a fee authorized under
18 Section 382.202 or 382.302 for the purposes of the county's
19 low-income vehicle repair assistance, retrofit, and accelerated
20 vehicle retirement program. The county may use money distributed to
21 the county under this subsection for remaining expenses of the
22 program or for any other purpose.

23 SECTION 4. Subchapter G, Chapter 382, Health and Safety
24 Code, is amended by adding Section 382.221 to read as follows:

25 Sec. 382.221. LOW-INCOME VEHICLE REPAIR ASSISTANCE,
26 RETROFIT, AND ACCELERATED VEHICLE RETIREMENT PROGRAM AND LOCAL
27 INITIATIVE PROJECTS IN CERTAIN COUNTIES. (a) This section applies

1 only to a county with a population of at least 420,000 that
2 participates in the low-income vehicle repair assistance,
3 retrofit, and accelerated vehicle retirement program created under
4 Section 382.209.

5 (b) To the extent that this section is inconsistent or in
6 conflict with another provision of this subchapter, this section
7 prevails.

8 (c) A project a county implements under Section 382.220 may
9 include a program to enhance transportation system improvements,
10 including improvements meant to reduce congestion on existing
11 roads, but not including toll projects.

12 (d) A county may use fees collected under Sections 382.202
13 and 382.302 for a program or project described by Section 382.220 or
14 this section. A county that receives money under Section 382.220 or
15 this section:

16 (1) is not required to provide matching funds for a
17 program or project; and

18 (2) may allocate money to a program or project under
19 Section 382.209, Section 382.220, or this section at the discretion
20 of the county.

21 (e) Money used by a county to implement a program or project
22 under Section 382.220 or this section that involves construction
23 for a fiscal year may be distributed to the county to be used for the
24 program or project in subsequent fiscal years if the money has been
25 made available to the county and has been treated as a binding
26 encumbrance by the commission before the end of the appropriation
27 year of the money appropriated for those purposes. Distribution of

1 the money is subject to Section [403.071](#), Government Code.

2 SECTION 5. This Act takes effect September 1, 2017.